IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1914 OF 2005

Mohamadali Gulam Rasool Shaikh
and Ors. ... Petitioners

Vs.

Maharashtra Housing and Area
Development Authority and Ors... Respondents

Mr. A.S. Khatib for Petitioner.

Ms. S. Sreedharan, A.G.P. for R. Nos. 1 to 4.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: SEPTEMBER 12, 2006

P.C.:

. The Petitioners herein had field petition being Writ Petition No. 3453 of 1991 which came to be disposed of on 11.8.1994. The statement was recorded on behalf of the Maharashtra Housing Area Development Authority that the Petitioner had been accommodated in the reconstructed buildings and is in occupation on the date of passing of the order. It is in these circumstances that the court was pleased to dispose of the Petition.

. It is the case of the Petitioner that the order was passed in the absence of the Petitioner and that he has not been granted any accommodation in the newly reconstructed building. If that be the case, it will be appropriate for the Petitioner to move in the said writ petition for recalling that order.

Fresh Petition based on the same cause of action will not be maintainable.

. With the above observations, Petition stands disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**